IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 12306 of 2007(M)

PETITIONER:

A.K.PARTHAN, AGED 57 YEARS,
S/O.KADUTHA PILLAI, RESIDING AT `ARACKAL HOUSE', KANDANADU P.O., MANAKUNNAM VILLAGE, THRIPUNITHURA, ERNAKULAM DISTRICT.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.P.K.BEENA

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY SECRETARY, DEPARTMENT OF REVENUE, SECRETARIAT, THIRUVANANTHAPURAM.

2. VILLAGE OFFICER, MANAKUNNAM VILLAGE, UDAYAMPEROOR, ERNAKULAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 12306/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER ION IA. NO.5652/07 IN OS. NO.505/06 BY SUB COURT ERNAKULAM DT. IST SEPTEMBER 2006.

EXT.P2:- COPY OF THE NOTICE NOTICE DT. 6.3.07 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER

/ TRUE COPY/

P.A. TO JUDGE

tss

ANTONY DOMINIC, J.

W.P (C) No. 12306 of 2007

Dated this the 16th October, 2007

J U D G M E N T

Petitioner has approached this Court on account of the refusal of respondents in accepting basic tax in respect of his property situated in Re.Sy. No.87/5 of Manakkunam Village. The only reason stated in the counter affidavit is that there is a suit for specific performance filed by a third party in respect of the same property and that there is an order of attachment restraining the petitioner from alienating the property.

2. A private dispute between the petitioner and a third party in relation to the property for specific performance need not stand in the way of respondents accepting the basic tax, as long as the petitioner is the owner of the property and there is no restraint order against acceptance of basic tax. If that be so, there should not be any objection for the respondents to accept basic tax in respect of the property of the petitioner.

Accordingly, I dispose of this writ petition directing that the respondents shall accept the basic tax from the petitioner in respect of the property mentioned above.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007